Appendix "A"

CHRONOLOGICAL STATEMENT OF FACTS.

November 3, 1948:

The SEA FOX and HERALD were surveyed by the Board of Marine Underwriters and were fit to proceed on the tow but with the express proviso that the SEA FOX should take "advantage as much as possible of favorable weather" (R. 285). The tug and tow were originally scheduled to leave San Francisco Bay on

November 4, 1948,

but because of threatening weather conditions, Shipowners concluded to delay the departure (R. 34). At time of departure the SEA FOX had its towing wire, which was about 1200 feet total length, secured to the HERALD and had aboard a spare or "insurance" wire of the same length. In addition, the SEA FOX had a used 600 ft. wire aboard which, even on libelants' testimony, was usable only in an emergency. The SEA FOX did leave on

November 5, 1948.

Satisfactory progress was made until

November 7, 1948,

when the towing line carried away at 1450 hours in relatively moderate weather, the SEA FOX log then indicating a fresh to strong breeze or wind force of force 5 or 6 on the Beaufort scale

or 17 to 27 miles per hour. Eventually the SEA FOX put its spare or "insurance" tow wire to the HERALD but this tow wire became kinked on the winch drum on the SEA FOX. The entire wire was cut off the drum and thrown overboard, and the HERALD drifted until

November 8, 1948,

at 1515 hours, when the Tug SEA PRINCE came from San Francisco and towed the HERALD into Drake's Bay. At Drake's Bay on instructions of SEA FOX, the part of the anchor chain which was hanging in the water (some 45 fathoms) and the SEA FOX's original towing wire were dropped to the bottom of the ocean and abandoned. At Drake's Bay the SEA PRINCE's towing wire was shackled to the HERALD's anchor chain and some 45 fathoms of chain was run out from the HERALD. The broken fairlead traveller on the SEA FOX was not repaired. Thereafter the SEA PRINCE's towing wire was transferred to the SEA FOX, and on

November 9, 1948,

at 0100 hours, SEA FOX and HERALD resumed the voyage. After leaving Drake's Bay the SEA FOX had no insurance wire but only the short length in addition to the wire in use. It was a wire to be used only in an emergency (R. 160). In respect to this short wire, Captain Eastman of the WINONA testified that on the

17th (R. 392): "The SEA FOX stated that they could take the HERALD OF THE MORNING in tow but that they had no towing hawser, as they had broken their hawser."

The weather remained moderate until

November 12, 1948,

and the voyage continued. On this date the weather was generally a "gentle breeze", force 3. On

November 13, 1948,

the SEA FOX overheard weather bureau forecasts of impending storm off the Columbia River and Washington coast. The broadcasts recited (R. 340. See also Appendix "C"):

> "Southeast storm warnings ordered displayed Washington Coast and Mouth of Columbia, small craft warnings south of Astoria to Cape Blanco and over inland waters of Washington 3:00 PM for southeasterly winds 35-45 mph Washington Coast, and 25-35 mph Oregon Coast tonight, shifting to westerly early Sunday and decreasing, and southerly winds 20-30 mph over inland waters."

The SEA FOX knew of the approach of the storm which they thereafter experienced during the following days (R. 194). On this date the weather was a gentle breeze most of the day but blew up to a strong breeze prior to midnight. On

November 14, 1948,

the weather was a "fresh gale", force 8 (37 miles per hour) at 0800 and a "fresh breeze" or a "strong breeze", force 5 and force 6 for most of the balance of the day (17 to 27 miles per hour). At 1900 hours the SEA FOX advised HERALD she had called for aid from the Coast Guard and that her towing engine had broken down. At 2030 hours the Coast Guard cutter BALSAM arrived in the vicinity of the HERALD. At this time HERALD was 17 miles distant and nearly southwest of the Columbia River lightship (R. 409). On

November 15, 1948,

the BALSAM stood by all day and at 2200 hours the tug NEPTUNE arrived in the vicinity and hailed the HERALD and thereafter stood by. During the day of the 15th the wind was "gentle breeze" to "moderate breeze" (force 3 and force 4 most of the time), but built up to a "strong gale", force 9 (44 miles per hour) near midnight. Then on

November 16, 1948,

at 0040, the tow line to the SEA FOX parted. Shortly thereafter the NEPTUNE attempted to shoot a line to the HERALD from the lee side but soon gave up on account of darkness and existing weather. Before daylight on the morning of the 16th the wind was severe, a "whole

gale" (force 10, or 52 miles per hour), thereafter quieting down to a "moderate breeze" (force 4 or 14 miles per hour). During the first eight hours of November 16th the wind was approximately twice as strong as it had been (R. 413). At 0920 when the wind was a "moderate gale", force 7 or 30 miles per hour, the NEPTUNE maneuvered on the weather bow of the HERALD and got a messenger line aboard, but while getting the wire line aboard the HERALD maneuvered too close on the weather bow of the HERALD which was lying in the trough of the sea, and was thrown by a wave against the HERALD's bow, holing NEPTUNE's hull, resulting in her sinking several hours later. At 1515 hours this same date the BALSAM put a 10" Manila line aboard the HERALD, but it soon parted at the splice. On instructions from the BALSAM the SEA FOX remained with the NEPTUNE. The SEA FOX did not return to the HERALD until about 1710 hours (R. 418). The HERALD continued to drift until 1930 hours when the HERALD on orders from the BALSAM, relayed to the HERALD by the SEA FOX (R. 248), dropped her port anchor and thereafter rode at anchor some 10 to 12 miles from shore (R. 264). This distance of 12 miles offshore is confirmed by Captain Eastman of the WINONA, whose log for November 18 recites the HERALD was at anchor at the 35-fathom line and whose

log also gives bearings to two shore points which fixes the position of the HERALD. On

November 17, 1948,

at 0440 the WINONA arrived at the scene (R. 418). The HERALD "was in no immediate danger" (R. 392); during that morning the WINONA placed a 12-inch Manila line aboard and thereafter transferred the line to the SEA FOX. Captain Eastman considered this 12-inch hawser to be adequate to tow the HERALD, stating (R. 401):

> "* * * in my estimation, a Manila hawser that is long gives you a catenary which acts as a cushioning effect when towing in a seaway."

On this date, with minor exceptions, the wind was a "gentle breeze" or force 3 (9 miles per hour). On this day the HERALD let go the balance of its starboard anchor chain which, although buoyed, was never recovered. At 1350 hours the BALSAM left the area to take the NEPTUNE's crew to shore, and the SEA FOX and WINONA stayed with the HERALD. The BALSAM returned at 2312 hours (R. 423). On

November 18, 1948,

the HERCULES arrived at the scene at about 3:00 a.m. (R. 255) and shortly thereafter the WINONA departed, when Captain Eastman of the WINONA "considered that the BALSAM

and the SEA FOX could adequately handle the situation" (R. 397). At 0800 hours the HERCULES put a towing wire aboard the HERALD. During the morning the wind was a "gentle" or "moderate" breeze; at time of departure for Everett it was a "fresh breeze", force 5, and so remained (except at 4:00 p.m. and at 7:00 p.m., when it was force 6, a "strong breeze") until 9:00 p.m., when for two hours it was a "strong gale", force 9, thereafter quickly moderating. The HERALD was unable to release the port anchor chain because the strain prevented the release of the pelican hook, and as a result the tugs were more or less in irons. Accordingly, the port anchor chain of the HERALD was therefore cut, with the aid of the portable cutting equipment supplied by BALSAM and at 1115 hours resumed voyage in tow of HERCULES and SEA FOX toward Everett, Washington, where she arrived without further incident on

November 19, 1948,

On this date the weather was calm (force 0) to a "gentle breeze" (force 3). The tugs and tow were all fast at Everett, Washington, about 9:30 p.m.

Appendix "B"

Beaufort Scale Admiral Beaufort's Numbers	Average of Velocity in nautical miles per hour (knots)	Limits of Velocity in nautical miles per hour (knots)	Seaman's Description of Wind
0	0	Less than 1	Calm
1	2	1 to 3	Light air
2	5	4 to 6	Light breeze
3	9	7 to 10	Gentle breeze
4	14	11 to 16	Moderate breeze
5	19	17 to 21	Fresh breeze
6	24	22 to 27	Strong breeze
7	30	28 to 33	Moderate gale (half a gale)
8	37	34 to 40	Fresh gale
9	44	41 to 47	Strong gale
10	52	48 to 55	Heavy gale (whole gale)
11	60	56 to 65	Storm
12	.....	Above 65	Hurricane

Appendix "C"

0830 PST November 12, 1948.

Tatoosh to Cape Blanco variable winds 5 to 15 mph becoming westerly 10-20 mph late today or tonight. Mostly cloudy with light rain Washington coast by this afternoon and likelihood of light rain north Oregon coast tonight.

0800 PST November 13, 1948, summary northeast Pacific.

A storm of considerable intensity is near 53 N 144 W with pressure about 985 mbs moving northeast towards the coast north of Vancouver Island but will affect the coast as far south as Oregon by tonight. Southerly wind force 6 to 9 within 300 miles of the center on the east side becoming westerly as the storm passes. Another disturbance moving eastward centers north of the Aleutian islands but low pressure and fresh southwesterly winds extend south to latitude 45 from the Aleutians and Alaska Peninsula.

0830 PST November 13, 1948 Tatoosh to Cape Blanco.

Off Washington coast wind becoming south-southeast 25-35 mph this evening increasing during the night and shifting to northwest Sunday. Off Oregon coast wind northwest 15-25 mph passing to south or southeast and increasing to 25-35 mph tonight.

A storm of considerable intensity lies 500 miles off the coast of British Columbia moving toward the coast north of Vancouver Island. It will affect the

coast from Oregon northward tonight but will not extend its effect as far down as California.

2000 PST November 13, 1948.

An intense disturbance has moved east-northeastward at 32 knots or approximately 350 miles southwest of Juneau, Alaska with lowest pressure near 980 mbs. The center is expected to move northeastward at about 20 knots with gale force wind within 500 miles of the center. The associated strong front is located at about 200 miles off the Washington coast and extends to the north-northwestward and to the south-southwestward with gale force wind from about 45 north latitude northward. It is expected to move southeastward at approximately 30 knots.

Coastal storm warnings. Southeast storm warnings are displayed until 1500 PST Sunday on the Washington Coast and mouth of the Columbia River for southeasterly wind 35 to 45 mph. Small craft warnings are displayed for the same period south of Astoria to Cape Blanco and over the inland waters of Washington for southeasterly wind of 25 to 35 mph. Winds will shift to westerly early Sunday.

Appendix "D"

OFFICERS' COMPETENCY CERTIFICATES CONVENTION, 1936.

54 Stat., Part 2, page 1683.

Convention between the United States of America and other members of the International Labor Organization respecting officers' competency certificates. Adopted by the General Conference of the International Labor Organization, twenty-first session, Geneva, October 24, 1936; ratification advised by the Senate of the United States, subject to understanding, June 13, 1938; ratified by the President of the United States, subject to said understandings, September 1, 1938, ratification of the United States of America registered with the Secretary General of the League of Nations October 29, 1938; proclaimed by the President of the United States September 29, 1939.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a draft convention (No. 53) with regard to the establishment by each maritime country of a minimum requirement of professional capacity in the case of captain, navigating and engineer officers in charge of watches on board merchant ships, was adopted on the twenty-fourth day of October

nineteen hundred and thirty-six, by the General Conference of the International Labor Organization at its twenty-first session held at Geneva October 6-24, 1936, a certified copy of which draft convention, communicated by the Secretary-General of the League of Nations, acting in conformity with the requirements in the nineteenth Article of the Constitution of the International Labor Organization, to the Government of the United States of America as a Member of the said Organization, is, in the French and English languages, word for word as follows:

The General Conference of the International Labour Organisation,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Twenty-first Session on 6 October 1936, and

Having decided upon the adoption of certain proposals with regard to the establishment by each maritime country of a minimum requirement of professional capacity in the case of captain, navigating and engineer officers in charge of watches on board merchant ships, which is the fourth item on the Agenda of the Session, and

Having determined that these proposals shall take the form of a Draft International Convention, adopts, this twenty-fourth day of October of the year one thousand nine hundred and thirty-six, the following Draft Convention, which may be cited as the Officers' Competency Certificates Convention, 1936:

ARTICLE 1.

1. This Convention applies to all vessels registered in a territory for which this Convention is in force and engaged in maritime navigation with the exception of——

(a) ships of war;

(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

(c) wooden ships of primitive build such as dhows and junks.

2. National laws or regulations may grant exceptions or exemptions in respect of vessels of less than 200 tons gross registered tonnage.

ARTICLE 2.

For the purpose of this Convention the following expressions have the meanings hereby assigned to them:

(a) "master or skipper" means any person having command or charge of a vessel;

(b) "navigating officer in charge of a watch" means any person, other than a pilot, who is for the time being actually in charge of the navigation or manoeuvring of a vessel;

(c) "chief engineer" means any person permanently responsible for the mechanical propulsion of a vessel;

(d) "engineer officer in charge of a watch" means any person who is for the time being actually in charge of the running of a vessel's engines.

ARTICLE 3.

1. No person shall be engaged to perform or shall perform on board any vessel to which this Convention applies the duties of master or skipper, navigating officer in charge of a watch, chief engineer, or engineer officer in charge of a watch, unless he holds a certificate of competency to perform such duties, issued or approved by the public authority of the territory where the vessel is registered.

2. Exceptions to the provisions of this Article may be made only in cases of *force majeure*.

ARTICLE 4.

1. No person shall be granted a certificate of competency unless——

(a) he has reached the minimum age prescribed for the issue of the certificate in question;

(b) his professional experience has been of the minimum duration prescribed for the issue of the certificate in question; and

(c) he has passed the examinations organised and supervised by the competent authority for the purpose of testing whether he possesses the qualifications necessary for performing the duties corresponding to the certificate for which he is a candidate.

2. National laws or regulations shall——

(a) prescribe a minimum age to have been attained by and a minimum period of professional experience to have been completed by candidates for each grade of competency certificate;

(b) provide for the organisation and supervision by the competent authority of one or more examinations for the purpose of testing whether candidates for competency certificates possess the qualifications necessary for performing the duties corresponding to the certificates for which they are candidates.

3. Any Member of the Organisation may, during a period of three years from the date of its ratification, issue competency certificates to persons who have not passed the examinations organised in virtue of paragraph 2 (b) of this Article who——

(a) have in fact had sufficient practical experience of the duties corresponding to the certificate in question; and

(b) have no record of any serious technical error against them.

ARTICLE 5

1. Each Member which ratifies this Convention shall ensure its due enforcement by an efficient system of inspection.

2. National laws or regulations shall provide for the cases in which the authorities of a Member may detain vessels registered in its territory on account of a breach of the provisions of this Convention.

3. Where the authorities of a Member which has ratified this Convention find a breach of its provisions on a vessel registered in the territory of another Member which has also ratified the Convention, the said authorities shall communicate with the consul of the Member in the territory of which the vessel is registered.

ARTICLE 6

1. National laws or regulations shall prescribe penalties or disciplinary measures for cases in which the provisions of this Convention are not respected.

2. In particular, such penalties or disciplinary measures shall be prescribed for cases in which——

(a) a shipowner, shipowner's agent, master or skipper has engaged a person not certificated as required by this Convention;

(b) a master or skipper has allowed any of the duties defined in Article 2 of this Convention to be performed by a person not holding the corresponding or a superior certificate;

(c) a person has obtained by fraud or forged documents an engagement to perform any of the duties defined in the said Article 2 without holding the requisite certificate.

ARTICLE 7

1. In respect of the territories referred to in Article 35 of the Constitution of the International Labour Organisation, each Member of the Organisa-

tion which ratifies this Convention shall append to its ratification a declaration stating:

(a) the territories in respect of which it undertakes to apply the provisions of the Convention without modification;

(b) the territories in respect of which it undertakes to apply the provisions of the Convention subject to modifications, together with details of the said modifications;

(c) the territories in respect of which the Convention is inapplicable and in such cases the grounds on which it is inapplicable;

(d) the territories in respect of which it reserves its decision.

2. The undertakings referred to in sub-paragraphs (a) and (b) of paragraph 1 of this Article shall be deemed to be an integral part of the ratification and shall have the force of ratification.

3. Any Member may by a subsequent declaration cancel in whole or in part any reservations made in its original declaration in virtue of sub-paragraphs (b), (c) or (d) of paragraph 1 of this Article.

ARTICLE 8

The formal ratifications of this Convention shall be communicated to the Secretary-General of the League of Nations for registration.

ARTICLE 9

1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Secretary-General.

2. It shall come into force twelve months after the date on which the ratifications of two members have been registered with the Secretary-General.

3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification has been registered.

ARTICLE 10

As soon as the ratifications of two Members of the International Labour Organisation have been registered, the Secretary-General of the League of Nations shall so notify all the Members of the International Labour Organisation. He shall likewise notify them of the registration of ratifications which may be communicated subsequently by other Members of the Organisation.

ARTICLE 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Secretary-General of the League of Nations for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

ARTICLE 12

At the expiration of each period of ten years after the coming into force of this Convention, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall consider the desirability of placing on the Agenda of the Conference the question of its revision in whole or in part.

ARTICLE 13

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides,

(a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

ARTICLE 14

The French and English texts of this Convention shall both be authentic.

AND WHEREAS it is provided in Article 8 of the said draft convention that the formal ratifications thereof shall be communicated to the Secretary-General of the League of Nations for registration and in Article 9 that the convention shall come into force twelve months after the date on which the ratifications of two Members of the International Labor Organization have been registered with the Secretary-General of the League of Nations, and that thereafter the convention shall come into force for any Member twelve months after the date on which its ratification has been registered;

AND WHEREAS the said draft convention was duly ratified on the part of the United States of America subject to understandings as follows: (Effective in the United States October 29, 1939.)

"That the United States Government understands and construes the words 'vessels registered in a territory' appearing in this convention to include all vessels of the United States as defined under the laws of the United States.

"That the United States Government understands and construes the words 'maritime navigation' ap-

pearing in this convention to mean navigation on the high seas only.

"Nothing in this convention shall be so construed as to prevent the authorities of the United States from making such inspection of any vessel referred to in article V, paragraph 3, within the jurisdiction of the United States, as may be necessary to determine that there has been a compliance with the terms of this convention, or to prevent such authorities from withholding clearance to any such vessel which they find has not complied with the provisions of the convention until such time as any such deficiency shall be corrected.

"That the provisions of this Convention shall apply to all territory over which the United States exercises jurisdiction except the Government of the Commonwealth of the Philippine Islands and the Panama Canal Zone, with respect to which this Government reserves its decision.";

Appendix "E"

ADMINISTRATIVE AND PENALTY PROVISIONS.

46 U.S.C.A., §224a. Same; Officers' Competency Certificates Convention, 1936.

(1) The Officers' Competency Certificates Convention, 1936 (International Labor Organization Draft Convention Numbered 53, "concerning the minimum requirement of professional capacity for masters and officers on board merchant ships"), as ratified by the President on September 1, 1938, with understandings appended, and this section shall apply to all vessels, however propelled, navigating on the high seas, which are registered, enrolled and licensed, or licensed under the laws of the United States, whether permanently, temporarily, or provisionally, including yachts enrolled and licensed, or licensed, with the exception of—

(a) ships of war;

(b) Government vessels, or vessels in the service of a public authority, which are not engaged in trade;

(c) wooden ships of primitive build, such as dhows and junks;

(d) unrigged vessels;

(e) all vessels of less than two hundred gross tons.

(2) All laws in effect on October 29, 1939, covering the issuance, duration, renewal, suspension, and revocation of licenses of masters, mates, chief engineers,

and assistant engineers are hereby made applicable to the issuance, duration, renewal, suspension, or revocation of licenses of masters, mates, chief engineers, and assistant engineers of all vessels to which the Officers' Competency Certificates Convention, 1936, and this section apply, to such extent and upon such conditions as may be required by the regulations of the Commandant of the Coast Guard: *Provided,* That examinations for licenses of masters, mates, chief engineers, and assistant engineers of fishing vessels, not subject to the inspection laws of the United States, shall be oral: *Provided further,* That applicants for licenses as masters, mates, chief engineers, and assistant engineers of fishing vessels not subject to the inspection laws of the United States shall not be required to obtain a certificate from the United States Public Health Service based upon the subject of ship sanitation, and first aid.

(3) Any license issued (whether before, or on, or after, October 29, 1939) to a master, mate, chief engineer, or assistant engineer of a vessel to which this section applies shall be deemed to be a certificate of competency for a master or skipper, navigating officer in charge of a watch, chief engineer, or engineer in charge of a watch, respectively.

(4) No person shall be engaged to perform, or shall perform on board any vessel to which this section applies, the duties of master, mate, chief engineer, or assistant engineer unless he holds a license to perform such duties, issued in accordance with the provisions of subsection 2 of this section: *Provided,* That a license as master, mate, chief engineer, or

assistant engineer of vessels subject to this section may be issued without examination at any time prior to October 29, 1941, to any applicant who has had sufficient practical experience in the position for which he applies to be licensed and has no record of any serious technical error against him: *Provided, further,* That no person to whom a license as master, mate, chief engineer, or assistant engineer is issued without examination may serve under authority of that license as master, mate, chief engineer, or assistant engineer on any vessel subject to the inspection laws of the United States.

(5) It shall be unlawful to engage or employ any person or for any person to serve as a master, mate, or engineer on any such vessel who is not licensed by the Coast Guard; and anyone violating this section shall be liable to a penalty of $100 for each offense.

(6) If any collector of customs has reason to believe, on complaint or otherwise, that a vessel subject to this section and to the regulations established thereunder is about to proceed to the high seas from a port in the United States or any Territory over which the United States exercises jurisdiction, except the Panama Canal Zone, in violation of any provision of this section or of any provision of the Officers' Competency Certificates Convention, 1936, he may, by written order served on the master or officer in charge of such vessel, detain her until such time as this section shall have been complied with. Clearance shall be refused to any vessel which shall have been ordered detained. If the vessel be ordered detained the master may, within five days, appeal to the Commandant of

the Coast Guard, who may, after investigation, affirm, set aside, or modify the order of the collector.

(7) Foreign vessels to which the Officers' Competency Certificates Convention, 1936, applies shall be subject to such inspection, within the jurisdiction of the United States, except the Panama Canal Zone, as may be necessary to determine that there has been a compliance with the terms of the convention, and in case of any breach of the provisions of the convention by such vessel the collector of customs may, by written order served on the master or officer in charge of such vessel, detain her and refuse clearance to her until such time as the convention shall have been complied with; the collector shall also immediately notify the consul of the country in which the vessel is registered. If the vessel be ordered detained the master may, within five days, appeal to the Commandant of the Coast Guard, who may, after investigation, affirm, set aside, or modify the order of the collector.

(8) No provision of the Officers' Competency Certificates Convention, 1936, or of this section, shall apply to any vessel of the United States of less than two hundred gross tons, nor shall any provision of that convention or this section be deemed to alter, amend, or repeal any statute of the United States in effect on October 29, 1939, with regard to any such vessel.

(9) The Commandant of the Coast Guard shall establish such regulations as may be necessary to secure the enforcement of the provisions of this sec-

tion by any officer of the United States authorized to enforce the navigation or inspection laws of the United States.

(10) The Commandant of the Coast Guard or any officer of the Coast Guard authorized by the Commandant of the Coast Guard may, upon application therefor, remit or mitigate any fine or penalty incurred under this section or any regulation thereunder.

(11) No provision of the Officers' Competency Certificates Convention, 1936, nor of this section, shall apply to any vessel, however propelled, navigating on the Great Lakes.

(12) Where used in this section—

(a) the term "high seas" means all waters outside the line dividing the inland waters from the high seas, as defined in section 151 of Title 33;

(b) the term "unrigged vessel" means any vessel that is not self-propelled.

(13) Nothing contained in the Officers' Competency Certificates Convention, 1936, nor in this section, shall be deemed to extend any provision of section 673 of this title, or to alter, modify, or repeal any statute of the United States in effect on October 29, 1939, except as hereinbefore provided.

(14) This section shall become effective on October 29, 1939.

(15) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

Appendix "F"

(a) Coast Guard Regulations for Issuance of License for Inland Waters Such as Held by Mr. Sommer.

46 C.F.R. 10.05-15 **Master of bays, sounds, and lakes other than the Great Lakes, steam or motor vessels.** (a) The minimum service required to qualify an applicant for license as master of steam or motor vessels on bays, sounds, and lakes other than the Great Lakes is:

(1) 1 year's service as first-class pilot or chief mate of steam or motor vessels on bays, sounds, or lakes other than the Great Lakes; or,

(2) 5 years' combined service in the deck department of sail vessels and vessels propelled by machinery on bays, sounds, or lakes other than the Great Lakes, 1 year of which has been as pilot or chief mate; or,

(3) 1 year's service as master of bays, sounds and lakes other than the Great Lakes steam or motor vessels of 150 gross tons or under while acting under the authority of a first-class pilot's license, or 2 years' experience while acting under the authority of a second-class pilot's license; or,

(4) 5 years' service on bays, sounds, and lakes other than the Great Lakes sail vessels, 1 year of which has been as master; or,

(5) 3 years' service as master of bays, sounds, and lakes other than the Great Lakes sail vessels for license as master of steam or motor vessels; or,

(6) 2 years' service in the deck department of bays, sounds, and lakes other than the Great Lakes steam or motor vessels, 1 year of which shall have been either as wheelsman or in assisting in the navigation of such vessels, while holding a first-class pilot's license for bays, sounds, and lakes other than the Great Lakes, for license as master of steam or motor vessels of 500 gross tons and under navigating all bays, sounds, and lakes other than the Great Lakes.

10.05-49 **Examination for license as master of bays, sounds, and lakes other than the Great Lakes steam and motor vessels.** (a) An applicant for license as master of bays, sounds, and lakes other than the Great Lakes steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge of the subjects listed in this paragraph:

(1) Inland Rules of the Road or Pilot Rules applicable to the waters desired.

(2) Distance off by bearings and run.

(3) Speed by revolutions and by observation of landmarks.

(4) Chart navigation and piloting.

(5) Aids to navigation.

(6) Winds, weather, and current.

(7) Signals; storm, wreck, distress, and special.

(8) Stability and ship construction.

(9) Cargo stowage and handling.

(10) Seamanship.

(11) Temporary repairs to hull and equipment.

(12) Drills and lifesaving apparatus.

(13) Ship sanitation; Rules and Regulations for Vessel Inspection, and Navigation Laws of the U. S.

(14) Ship's business.

(15) General.

(16) Practical chart work.

(17) Such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

10.05-59 **Examination for license as mate of inland or river steam or motor vessels.** An applicant for license as mate of inland or river steam or motor vessels shall be required to pass a satisfactory examination as to his knowledge, experience, and skill in stowage and cargo handling, the operation and handling of fire apparatus, the launching and handling of lifeboats, his knowledge of life preservers and the method of adjusting them, his ability to manage the crew and direct and advise the passengers in case of emergency, his general familiarity with his duties in maintaining discipline and protecting the passengers, and such further examination of a non-mathematical character as the Officer in Charge, Marine Inspection, may consider necessary to establish the applicant's proficiency.

(b) Coast Guard Regulations for Issuance of High Seas License Which Mr. Sommer Should Have Held.

Subpart 10.15—Licensing of Officers for Uninspected Vessels

10.15-1 **Applicability of laws.** All the provisions of R. S. 4131, 4250, 4403, 4405, 4438, 4439, 4440, 4441, 4445, 4446, 4447, 4448, 4449, 4450, as amended, sec. 2, 23 Stat. 118, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, sec. 3, 40 Stat. 549, and sec. 5, 49 Stat. 1935; 46 U. S. C. 221, 224, 225, 226, 227, 228, 229, 231, 232, 233, 234, 235, 237, 239, 250, 372, 375, 672a; referring to the issuance, duration, renewal, suspension or revocation of licenses of masters, mates, chief engineers and assistant engineers, and the provisions of the following regulations in this subpart shall be applicable to all uninspected vessels to which the Officers' Competency Certificates Convention, 1936, and the Act approved July 17, 1939 (R.S. 4438a; 53 Stat. 1049; 46 U. S. C. 224a) making effective the provisions of the Convention apply.

10.15-29 **Professional requirements for original and raise of grade of licenses.** (a) For license as master or chief engineer, a candidate must have served 4 years at sea, on deck or in the engine room, respectively, of which 1 year must have been as licensed mate or assistant engineer, respectively, except as otherwise provided in the regulations in this Subpart.

(b) For license as mate or assistant engineer, a candidate must have served 3 years at sea, on deck or in the engine room, respectively.

10.15-31 **Examination requirements for licenses**—(a) *General.* The examinations given by the Coast Guard will be practical, not theoretical. They will be written, where possible, and if an oral examination is necessary, it shall be taken down in writing. The examination for licenses limited to fishing vessels shall be oral only.

(b) *Master.* Candidates for license as master will, in addition to the subjects given in the examination for mate, be required to understand and give satisfactory explanations of:

(1) Navigation, including:

(i) Latitude by altitude of Polaris.

(ii) Elementary questions on compass deviation.

(2) Rudimentary seamanship, including:

(i) Meteorology, use and reading of weather bulletins.

(ii) Getting under way.

(iii) Tending vessel at anchor; mooring and unmooring.

(iv) Keeping a ship's head to sea in heavy weather with engines broken down.

(v) How to rig a jury rudder.

(vi) Action to be taken in the event of springing a leak.

(vii) Cast of lead in heavy weather.

(c) *Mate.* Candidates for license as mate will be required to understand and give satisfactory explanations of:

(1) Navigation, including:

(i) Variation, deviation of the compass, and simple methods of determining the deviation by the means of ranges, and by bearings of the sun.

(ii) Use of a chart and the meaning of the various signs and abbreviations thereon; method of determining and laying off compass courses and distances on a chart, and allowing for set and drift; fixing the ship's position by cross bearings of two objects; or by two bearings of the same object.

(iii) The traverse tables and a day's work in its simplest form.

(iv) Determining of latitude by meridian altitude of the sun.

(v) Longitude by position line or by time sight of the sun.

(vi) The use and adjustments of the sextant.

(vii) The use and reading of the aneroid barometer.

(2) Rudimentary seamanship, including:

(i) The use and construction of a sea anchor.

(ii) The marking and use of the lead line.

(iii) Man reported overboard.

(iv) Handling of a vessel's boat in heavy weather.

(v) Elementary first aid.

(3) The Rules to Prevent Collisions of Vessels including both the International Rules and the Pilot Rules for Inland Waters. Particular attention will be given to the steering and sailing rules, although inability to repeat them verbatim will not entail failure, *Provided,* That the candidate understands their full significance, content, and practical application. Models will be used to test the candidate's judgment and ability to act correctly and promptly.

(4) Distress signals and use of line throwing apparatus.

(5) Buoyage system and aids to navigation.

(6) Precautions to be taken against fire, explosions from oil or gas, and spontaneous combustion. Methods of dealing with fire and use of fire extinguishers, handling of vessels after fire is discovered.

(7) Candidates for a sailing ship license will also be asked questions on the taking in and setting of fore and aft sail, and applicable questions relating to the handling of a sail vessel.